

REMARKS

Reconsideration and allowance of this application are respectfully requested based on the above amendments and the following remarks.

At the outset, it is noted that an Information Disclosure Statement was filed on June 5, 2006. It is requested that an initialed PTO-1449 based thereon be mailed to the undersigned.

The title has been revised and a new Abstract has been added, as required in the office action.

The claims have been amended for clarity and to overcome the 35 USC 112, second paragraph, rejection. It is submitted that the phrases "receive a control channel" and "receive a data channel" are commonly used in the pertinent art. Regarding page 4, first paragraph and last partial paragraph, and similar comments on pages 5 and 6 of the office action, it is noted that the control information may be for example included in a control channel as illustrated in application Fig. 5, including information indicative of any one of a channelization code number, the number of channelization codes, a modulation scheme used in HS-PDSCH, a transport block size, a hybrid ARQ process number, hybrid ARQ parameter and new data identification bit. As one example only, the control information may indicate the

parameter of the modulation scheme for the data channel as 16 QAM, whereas if the reception capability is only 8PSK, then this capability is exceeded. Regarding page 4, second paragraph, and similar points made on pages 5 and 6 of the office action, it is noted that either the ACK signals or the NACK signals are transmitted depending on whether the reception capability is exceeded. Thus, it is submitted that, contrary to the comments in the office action, there is no discrepancy in the claim language.

Accordingly, it is respectfully submitted that the amended claims are in full compliance with 35 USC 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Claims 1, 8 and 9 stand rejected under 35 USC 102(e) as anticipated by Smith (USPN 6,799,196). The Applicants respectfully traverse this rejection based on the points set forth below.

Each of present independent claims 1, 8 and 9 recites a feature of transmitting an ACK signal or a NACK signal for a data channel when control information is within a reception capability of a reception apparatus for the data channel and transmitting neither the ACK signal nor the NACK signal when the control information exceeds said reception capability.

This feature of the invention provides an advantage of preventing unnecessary ACK signals or NACK signals from being transmitted at timings when other receiving apparatuses are likely to transmit signals and therefore eliminating interference against signals transmitted by other receiving apparatuses.

As noted in the office action, Smith merely discloses an on-demand data streaming technique in a networked system, in which a client device such as a personal digital assistant (PDA) receives multimedia data streams from a server, with various limitations on processing and display capabilities of the client device. A server determines the client device's capabilities such that the server filters and parses the data streams into meaningfully presentable data and non-meaningfully presentable data, and then transmits only the meaningfully presentable data to the client device for processing and display. Alternatively, the server sends the complete data stream to the client device, and the client device filters and parses the data, and then processes only the meaningfully presentable data for display.

The Applicants note that, in Smith's system, the server either (1) transmits to the client device only meaningfully presentable data that is adequate to the client device's display and processing capabilities, or (2) transmits the entire data

stream, with the client device filtering and parsing the data stream into meaningfully presentable data and non-meaningfully presentable data and then displays only the meaningfully presentable data. In either of Smith's cases, the data reception device does not send any return signals to the data transmission device in accordance with the received data stream.

In contrast to Smith's concept, in the present claimed invention, the data reception apparatus (e.g., mobile apparatus) determines whether or not to transmit return signals (ACK and NACK signals) to the data transmission apparatus (e.g., base station apparatus) in accordance with the reception capability of the data reception apparatus, not in accordance with the reception capability of the data transmission apparatus to which the return signals (ACK and NACK signals) are to be sent.

Further, Smith does not relate to an ARQ (automatic repeat request) system and thus contains no disclosure relevant to ACK and NACK signals.

Moreover, Smith does not disclose transmission control for ACK signals and NACK signals in accordance with a relationship between control information sent on a control channel and reception capability of a reception apparatus for a data channel. More particularly, Smith does not disclose the above-noted feature of the present claimed invention of a data reception

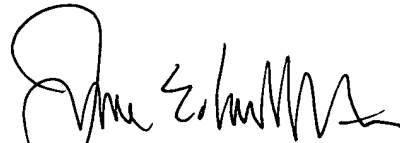
apparatus that transmits neither an ACK signal nor a NACK signal when the control information exceeds the reception capability of the data reception apparatus for the data channel.

In light of the foregoing, it is submitted that each of independent claims 1, 8 and 9 defines subject matter not anticipated by, or obvious from, the teachings of Smith, and thus the 35 USC 102(e) rejection of these claims, and all claims dependent therefrom, should be withdrawn.

Accordingly, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues exist which may best be resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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